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In their Orations the recently demitting Assessor spoke of “how easily Congregation’s rules can sometimes be abused” while the Senior Proctor spoke of “our staff disengaging from issues” at a time of “toxic debates and tensions on pay, pensions and working conditions”.

Could it be that they are echoing the views of the previous Vice-Chancellor? To quote from Professor Richardson’s Oration last October when she presented her end of term report on the state of the University:

“getting a terrible F for ‘fossilized’, is how the University governs itself..... In 1913 an unnamed correspondent of the Chancellor, Lord Curzon, described the University’s governance as ‘the worst form of government ever devised by the wit of man’. His proposals for reform were blocked after 105 consultation meetings, 23 special sittings of Council and a succession of Congregation meetings. More recent efforts at reform have met a similar fate.

About 9,000 members of our community are eligible for membership of Congregation; about 5,500 choose to join. Meetings are rare and sparsely attended, and the highest postal ballot turnout in my tenure was about 1,600, on the EJRA. It takes only two members of Congregation to pose a question and require a meeting of Congregation, which in turn requires the presence of 27 University staff and officers. The meeting of October 12, 2020 was one of the more memorable. Neither of the movers of the question [the editors are reliably informed by the movers that they had explained their absence, for urgent medical reasons, to the Registrar] nor those who submitted supplementary questions attended; instead a lone, silent person sat in the well of the Sheldonian Theatre. It was far from clear to me at the time whether she was in fact a member of Congregation or whether, given the large bags she laid down beside her, she was a passerby taking a break from shopping in Broad Street.

CONGREGATION REFORM

Many elections for Council and other University committees remain uncontested. Elected and unelected seats are often vacant as nobody wishes to take them. (132 lapsed vacancies at last count.) Participatory democracy requires participation. If people are unwilling to participate then we ought to ask ourselves, why? As Oxford moves forward to become an ever-more modern institution, it would be good to think that its mode of governance

might adapt.”

Quite! But given this sad state of affairs one is bound to wonder why, in her seven years in office, Professor Richardson did not do something to remedy the situation. In the longer run though, perhaps we should be grateful to her for reminding us so forcefully how far we now are from a democratic, consensual organization led by academic values and interests.

The last meeting of Congregation in the Sheldonian was on the occasion in June 2022 of the reading out of questions put down by two members and the reading out of the Registrar’s answers. This formulaic (and in reality rare) process, rightly derided by Professor Richardson, is surely a bizarre anachronism in this digital age. There have only been two traditional foregatherings in the Sheldonian to debate and vote on substantive issues since 2019 (over which time two Congregation propositions were additionally accepted without debate by Council). One foregathering in March 2020 concerned the abolition of graduate application fees (attended by 150 voting members) and the other the creation of Parks College in May 2019 (attended by 330 voting members). But such meetings had already become few and far between as well as poorly attended.

By contrast, in Cambridge the Regent House (the equivalent of Congregation) meets automatically whenever

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...and much more

there is a Report [typically legislative and policy proposals from Council]. Such meetings occur several times each term. Since Covid they are usually digital conference calls. Although numbers of attendees are often small this misses their crucial significance: such regular meetings are important because speeches in response to Reports are published verbatim in the *Reporter*, as are further exchanges which normally follow in the form of a Council Notice in response. The end result, in stark contrast to our *Gazette*, is a remarkably free, thorough and wide-ranging, publicly accessible published record of policy development.

* * *

The disengagement, the missing eligible members of Congregation (not a matter of “choice” but the result of the complexity and lack of clarity regarding the administrative processes involved) and unwillingness to serve on central committees referred to earlier can, like the collapse of Congregation, be explained, in our view, by one dominant consideration; increasing secrecy at the centre and failure of internal communication. If Congregation members do not know what Wellington Square is intending in an adequate and timely manner they are simply unable to raise matters through our democratic, quasi-parliamentary system of debates in Congregation, our supreme legislative body.

Even in Professor Richardson’s time Council (in its last published three-yearly ‘effectiveness’ self-review, 2019) agreed that “a review of the membership and conduct of the business of congregation should take place to consider how it could operate as a more effective forum for its members and how the links and communication with Council might be improved” (*Oxford Magazine*, No 418, 8th Week, HT 2020). Nothing happened.*

Concerns regarding the moribund and antiquated state of Congregation have been raised repeatedly in the pages

of *Oxford Magazine* over many years and we have suggested ways in which the system can start to be rescued, even without the need for statutory changes (*Oxford Magazine*, No 405, 5th Week, HT 2019):

“Given the apparent reluctance—over many years—of Council to enter into an exchange of views on the precise nature of what is wrong with, and how to improve, internal communication we suggest the following elements as the foundation for effective action:

- *Council must provide agendas and background information, regularly and in timely fashion, to alert Congregation to policy issues currently under discussion*
- *Concerned Congregation members must have a direct and easy means of communicating with relevant University officers and/ or designated Congregation-elected Council members. Concerns raised should, where appropriate, be announced on a dedicated web site so that others can choose to participate*
- *Results of such consultations should be reported back in notices to Congregation together with any recommendations for possible consequential Congregation meetings or other (postal) actions (such as opinion polls)*
- *Congregation is constituted as the University’s supreme legislative body with powers extending to veto of Council decisions. Congregation has a responsibility to speak for all staff. Provision for representation by Congregation of the interests of all University staff should be regarded as included under the above arrangements”*

* In contrast to previous practice the 2022 Council self-review has apparently not been made available in full to Congregation

B.B., T.J.H

How Cambridge is reforming its democratic governance

G.R.EVANS

The history of change

Statute A,III puts it beyond question that the Regent House (Cambridge's counterpart to Congregation) is Cambridge's 'governing body'.¹ It has to be consulted 'whenever it is provided that an act or thing shall or may be done or determined by the University'. It is of course not practicable for it to deal with all the detailed business of the University. So it may delegate 'by Grace'² to the Council or to another University body or authority to act on its behalf in such matters as it may from time to time determine'. It has done a good deal of delegating over time, permitting the Council to act as 'the principal executive and policy-making body of the University' (Statute A,IV), supported by its Committees.

Nevertheless, certain matters still come to the Regent House directly for its approval, especially legislating and making decisions about the University's estate. For example, the *Reporter* of 19 April 2023 included two *Reports*. One concerned 'corrections and minor changes to the Statutes'. It was carefully explained that these include only 'references that were overlooked when changes were originally presented for approval', missing cross-references and other 'minor changes'. This sort of correction should allow the Regent House to avoid a repetition of the growing untidiness which required a *Technical Review of the Statutes* in 2012. The second *Report* proposed a modification to the estate, in the form of a 'Visitor Welcome Building (Station Road gate) for the Botanic Garden'. Again the constitutional background was fully explained, that the Botanic Garden is a Sub-department of the Department of Plant Sciences, and governed by a Syndicate which reports to the General Board. Full details were given of the building proposed and its projected cost. The Recommendations included approval of the proposal, authorisation to allow the Director of Estates to apply for full planning permission in due course and the Director of Delivery to accept a tender within the available funding. These *Reports* were routinely scheduled for Discussion on 2 May. In this way the Regent House acts directly as governing body.

But the way it does this has undergone radical change over the last half a century. Until 1963 such business began in Cambridge with a *Report to the University*, always published in the *Reporter*, and usually making Recommendations for Regent House approval. A Congregation was then automatically held in the Senate House at which a Grace was submitted to those members of the Regent House who were present.³ Any member could call '*non placet*', and that prompted a live vote. If the vote approved the Grace it immediately became an *Actum* of a Congregation of the Regent House.

A minor controversy of 1961, again as it happens

concerning the Botanic Garden, ended live voting at the Discussion. A new gate was proposed in honour of the benefactor of the Garden, the horticulturalist Reginald Cory (1871-1934), but when it was proposed that public toilets should be provided there was indignation.⁴ A change eventually voted through by 158 members of the Regent House removed the requirement that Graces must be approved at a Congregation.⁵ With the exception of two purposes (the conferment of degrees and 'any matter on which in the opinion of the Council or the Vice-Chancellor a decision must be taken urgently'),⁶ the Regent House no longer actually meets to discuss and vote to take its decisions and create its legislation. It must still do that in approving a Grace (the equivalent of an Oxford 'Resolution') but that is now a much lengthier process.

Discussions changed their purpose. They turned into a forum for making suggestions for modification of the Recommendations in a *Report*. The Discussions were not conducted adversarially and this created opportunity for a conversation, for challenge and even changes to be made to the proposals. The remarks made were always published promptly after proofing, in the next available *Reporter*. The Council could be slow to respond to the remarks made at the Discussion but it would do so in a Notice in the *Reporter* in due course, taking account of what had been said as it saw fit, and it would normally publish the Grace needed to turn Recommendations into a decision. The Grace was deemed to be approved if not objected to by (now) 25 members of the Regent House before 4.00 on the Friday afternoon ten days later. If there was a *Non Placet* the ultimate decision was deferred to a postal ballot, held digitally,⁷ to be determined by a simple majority vote. This could all take some time.

The constitutional effects proved to be significant.⁸ Published *Reports to the University* became less frequent (dropping from about sixty to about twenty a year by the 1970s). Numbers speaking in Discussions shrank, now that the discussing was separated from the decision-making, even though the value of the remarks arguably grew because they could lead to improvements in the proposals eventually put for decision in a Grace.

During the 1980s further governance changes affecting the role of the Regent House were implemented by the *Wass Report*⁹ (Cambridge's equivalent of the 'North Report'). In November 1987 a signed *Memorial* pointed to 'increased uncertainty about the source of authority in the University', the undesirable proliferation of unofficial committees 'not sanctioned by the Regent House' and 'the taking of important decisions, sometimes involving very large sums of money, which have been neither approved by the Regent House, or even reported to it'; also that the University of Cambridge lacked 'efficient procedures for policy-making'.¹⁰

The *Wass Report* prompted the creation of a Syndicate (which is a ‘committee of the Regent House’), ‘to consider the government of the University’, chaired by Sir Douglas Wass (1923–2017), a senior civil servant who had given the Reith Lectures of 1983 on *Government and the Governed*. At the time a perceived power-struggle between the Regent House and the executive (i.e. the administrative running of the University) was being described as ‘trench warfare’. Among the submissions to the Wass Syndicate was a frank memo from the Secretary General criticising ‘the culture’ of ‘a self-governing community of scholars which is administered rather than managed’. ‘I can think of no useful role for the Regent House’, he added, regretting its ‘spirit of independence’.¹¹

The *Report* suggested solutions in the form of adjustments of the respective powers and responsibilities of the Regent House, the Council and the ‘administration’. It argued that it was no longer ‘practicable for the Regent House to exercise executive authority over the day-to-day conduct of business’.¹² However, Wass accepted that ‘the power to make and amend statutes’ should stay with the Regent House ‘as the ultimate legislative authority in the University’.¹³ Wass proposed transfer of ‘minor business’ to reorganised central committees, with additional decentralisation and delegation to them of less important matters.¹⁴

The suggestion that the power to enact Ordinances and issue Orders as well as to ‘take executive action’ should be shared between the Regent House and the central bodies was rejected.¹⁵ The Regent House remains the sole body empowered to create Statutes (which are all subject to Privy Council approval in Cambridge), Ordinances and Special Ordinances (counterpart of Oxford Regulations).

A postal ballot on nine Graces of 25 April 1990, confirmed the Regent House as ‘the governing body of the university’ (786:663) and the creation of an independent elected Board of Scrutiny (736:700), to ‘scrutinize on behalf of the Regent House’ and ‘report to the University’ on matters it considered should be ‘drawn to’ its ‘attention’ (Statute A,VII,1–2). The Council was ‘recognized as the principal executive and policy-making body of the University’ (772–674) and a Unified Administrative Service created (1037:263). This clarification somewhat eased the constitutional tensions. The Statutes and Ordinances were revised as necessary. The General Board lost the right to create Ordinances and could create only ‘Regulations’ (Statute A,V) which do not require Graces. The Wass reforms remain in operation up to the present.

With a membership of 7,244 (in November 2023) the Regent House can certainly no longer actually meet and Discussions remain the historic ‘Discussions of the Senate’, at which all members of the University including students may speak. Discussions were temporarily transformed during the Covid-19 crisis since they could not be held live and were allowed to become video-conferences. Discussion by Teams did not change other features of Discussions, such as the principle that all those who wished to speak must be allowed to do so, with a 15 minute limit, and the convention that those unable to read their remarks in person may ask a Proctor or a colleague to do so for them. Despite some discussion of the use of email simply to send in remarks for publication the convention that these constitute live speeches has remained firm.

A *Report* on the arrangements for Discussions was published in October 2021 proposing that the option of

holding them by video-conference should no longer be seen as an emergency arrangement.¹⁶ It had been found that ‘a number of people who had not previously attended Discussions participated in these meetings’. Discussions are no longer necessarily held live in the Senate House.

The range of published information

Without a live vote at the end of the Discussion the Regent House needs sufficient published information to discharge a responsibility which grows ever more complex and extensive with the expansion of the University and its ventures into some commercially-related activities. *Reports* are published in the *Reporter* by the Council, which ‘begs leave to report to the University as follows’, sometimes by the General Board and annually by the Board of Scrutiny. They are lengthy and detailed, giving a full background to any Recommendations proposed at the end. Together with the ensuing published text of the Discussions, for the record, this allows voting members of the Regent House to inform themselves fully of the arguments put.

A postal ballot takes time to conduct and this means the approval of the Grace may come long after the Discussion so there may be a considerable gap of time, sometimes several months, between the proposal originally made in a *Report* and the ultimate decision of the Regent House. Memories may fade. But the record of remarks made can be supplemented by the circulation of Flysheets or ‘statements’, signed by at least ten members of the Regent House, with the University bearing the cost of reproducing and circulating them. The names of signatories are included on the Flysheet. All Flysheets are published in the *Reporter* after the vote. If there is any content in a Flysheet which ‘may be held to be unlawful or defamatory’ the Registry consulting with the Vice-Chancellor decides whether it may be included and the Council is informed of any such amendment made.¹⁷

To facilitate involvement by members of the Regent House there is now a ‘Petitions Site’.¹⁸ There it is explained that:

*‘As part of the University’s governance processes, members of the Regent House are empowered to act collectively in a number of ways. The Regent House Petitions site is designed to help Regent House members by providing a secure platform where proposals for such actions can be hosted and signed.’*¹⁹

The site is available to those on the current Roll of the Regent House and any member may act as a ‘petition lead’. Detailed guidance and example ‘petitions’ are available along with general links to information on the role and powers of the Regent House.²⁰

There are several types of possible ‘petition’: requests for a ballot on a Grace (requiring 25 signatures); amendments to a Grace (25 signatures); amendments following a request for a ballot (25 signatures); flysheets (10 signatures); Topics of Concern for Discussion (10 signatures); Regent-House-initiated Graces (50 signatures). Examples of each are given on the Petitions site.

By way of illustrating the way these arrangements involve elaborate, detailed and direct interactions between Regent House and Council one could not do better than take as an example the lengthy process of dealing with a Regent House-initiated Grace of July 2022.²¹ The Grace ‘requested’ the Council to agree that the University would not, among other things, ‘accept research funding or allow sponsorship or other collaborations with companies involved in fossil fuels’.

The Council considered the Grace, as it is required to do, but decided not to publish it for approval. Instead, but not until 26 October 2022, the Council published a *Report*, in which it recognised the ‘underlying aims’ of the Grace but would not propose the approval of the Grace ‘without a thorough debate and a full understanding of the implications for the University of the changes it proposes’. In any case, it pointed out, the Grace was anomalous in form, being a request rather than a legislative proposal.

A Discussion of the Report duly followed, on 22 November.²² In it opinions were divided between those who supported simply publishing the Grace for approval and those who raised concerns of the kind which had persuaded the Council to propose further consideration of the issues. Many of these were senior figures in science Departments. Some supporters of the Grace accused them of hostile ‘lobbying’.

An activist group, ‘This is not a Drill’, began in Michaelmas Term to vandalise buildings on the West Cambridge site, the Schlumberger Gould research centre and the BP institute (now renamed the ‘Institute for Energy and Environmental Flows’). In the Lent Term the group vandalised the front door of the Department of Chemical Engineering and Biotechnology, prompting a letter of reproof from the Acting Vice-Chancellor.²³

When the Cambridge *Reporter* appeared as a Special Issue on 27 March 2023, it had a good deal to publish. The Recommendation in the *Report* of 26 October had been *not* to submit the Regent House Grace for approval. On 9 February the Council had published a Notice putting the Grace needed to approve that Recommendation. A ballot was called by 73 signatories. The outcome of that ballot was published as a resounding Placet vote, for approval of the Grace (1032:553). *Flysheets* for and against were also published. That settled the matter. The Regent House Grace cannot now be published for approval.

Meanwhile the activists had continued to vandalise buildings in which worked scientists who had called for a thorough discussion of the implications of the Regent House Grace as it had been drafted. A Council Statement, also published on 27 March 2023 noted that ‘in recent weeks some University departments and museums have been subject to damage and disruption which have included smashing glass doors and spraying paint’. ‘The Council unequivocally supports freedom of speech and the right to protest within the law’, but:

‘the intimidation of our staff and students runs completely against the spirit of considered public discussion that we embody at this University and stands in the way of the academic freedom which the University so fiercely protects.’

This example demonstrates the working realities and

clear importance of the ways in which Cambridge’s constitutionally lengthy process of Regent House decision-making must make its way into print in the *Reporter* serially as it proceeds.

¹ With a membership of 7,244 in November 2023.

² A Grace is the counterpart of a Resolution presented to Congregation to approve.

³ These are still called Discussions of the Senate, as a legacy of the arrangement until 1926 when the Senate (=Convocation) was the legislative body (Statute A, I, 7–8).

⁴ See Juliet Day, ‘Reginald Cory, Benefactor of Cambridge University Botanical Garden’, *Curtis’s Botanical Magazine*, 23 (2006), 119–131.

⁵ A last vote at which the House divided to take a live vote was over the proposal to give an Honorary Doctorate to the French philosopher Jacques Derrida on May 16, 1991. (The heated controversy on his merits prompted correspondence in *The Times* on 9 May.)

⁶ *Statutes and Ordinances*, p.114.

⁷ Though a paper ballot form may be requested.

⁸ A.W.F. Edwards, ‘1963: the Downfall of Cambridge’s Constitution’, *The Cambridge Review* (23 October, 1981), 3–10.

⁹ *The Report of the Syndicate appointed to consider the government of the University* (*Reporter* 1988–9).

¹⁰ *Wass*, p.643, Appendix B, the *Memorial* and see *Reporter* (1987–8), p.158.

¹¹ Cambridge. University Archive, WASS 3. GB.886.634, 24 June 1988.

¹² WASS, Archive, p.621.

¹³ WASS Archive, p.621.

¹⁴ See Editorial *Oxford Magazine* (4th week, Michaelmas 1998).

¹⁵ WASS Archive, p.621,

¹⁶ *Reporter*, 13 October, 2021.

¹⁷ *Statutes and Ordinances*, pp.116–7.

¹⁸ <https://www.reporter.admin.cam.ac.uk/reporter/2022-23/weekly/6670/6670.pdf>

¹⁹ <https://universityofcambridgecloud.sharepoint.com/sites/Regent-HousePetitions/SitePages/Information-for-Petition-Leads.aspx>

²⁰ <https://universityofcambridgecloud.sharepoint.com/sites/Regent-HousePetitions>

²¹ See my article in *Oxford Magazine*, No. 448, Noughth Week, Hilary Term 2023

²² Published in the *Reporter*, 30 November, 2022.

²³ *Varsity*, February 10, 2023.

Privacy is power

CARISSA VÉLIZ

Don't just give away your privacy to the likes of Google and Facebook – protect it, or you disempower us all

Imagine having a master key for your life. A key or password that gives access to the front door to your home, your bedroom, your diary, your computer, your phone, your car, your safe deposit, your health records. Would you go around making copies of that key and giving them out to strangers? Probably not the wisest idea – it would be only a matter of time before someone abused it, right? So why are you willing to give up your personal data to pretty much anyone who asks for it?

Privacy is the key that unlocks the aspects of yourself that are most intimate and personal, that make you most you, and most vulnerable. Your naked body. Your sexual history and fantasies. Your past, present and possible future diseases. Your fears, your losses, your failures. The worst thing you have ever done, said, and thought. Your inadequacies, your mistakes, your traumas. The moment in which you have felt most ashamed. That family relation you wish you didn't have. Your most drunken night.

When you give that key, your privacy, to someone who loves you, it will allow you to enjoy closeness, and they will use it to benefit you. Part of what it means to be close to someone is sharing what makes you vulnerable, giving them the power to hurt you, and trusting that person never to take advantage of the privileged position granted by intimacy. People who love you might use your date of birth to organise a surprise birthday party for you; they'll make a note of your tastes to find you the perfect gift; they'll take into account your darkest fears to keep you safe from the things that scare you. Not everyone will use access to your personal life in your interest, however. Fraudsters might use your date of birth to impersonate you while they commit a crime; companies might use your tastes to lure you into a bad deal; enemies might use your darkest fears to threaten and extort you. People who don't have your best interest at heart will exploit your data to further their own agenda. Privacy matters because the lack of it gives others power over you.

You might think you have nothing to hide, nothing to fear. You are wrong – unless you are an exhibitionist with masochistic desires of suffering identity theft, discrimination, joblessness, public humiliation and totalitarianism, among other misfortunes. You have plenty to hide, plenty to fear, and the fact that you don't go around publishing your passwords or giving copies of your home keys to strangers attests to that.

You might think your privacy is safe because you are a nobody – nothing special, interesting or important to see here. Don't shortchange yourself. If you weren't that important, businesses and governments wouldn't be going to so much trouble to spy on you.

You have your attention, your presence of mind – everyone is fighting for it. They want to know more about you so they can know how best to distract you, even if

that means luring you away from quality time with your loved ones or basic human needs such as sleep. You have money, even if it is not a lot – companies want you to spend your money on them. Hackers are eager to get hold of sensitive information or images so they can blackmail you. Insurance companies want your money too, as long as you are not too much of a risk, and they need your data to assess that. You can probably work; businesses want to know everything about whom they are hiring – including whether you might be someone who will want to fight for your rights. You have a body – public and private institutions would love to know more about it, perhaps experiment with it, and learn more about other bodies like yours. You have an identity – criminals can use it to commit crimes in your name and let you pay for the bill. You have personal connections. You are a node in a network. You are someone's offspring, someone's neighbour, someone's teacher or lawyer or barber. Through you, they can get to other people. That's why apps ask you for access to your contacts. You have a voice – all sorts of agents would like to use you as their mouthpiece on social media and beyond. You have a vote – foreign and national forces want you to vote for the candidate that will defend their interests.

As you can see, you are a very important person. You are a source of power.

By now, most people are aware that their data is worth money. But your data is not valuable only because it can be sold. Facebook does not technically sell your data, for instance. Nor does Google. They sell the power to influence you. They sell the power to show you ads, and the power to predict your behaviour. Google and Facebook are not really in the business of data – they are in the business of power. Even more than monetary gain, personal data bestows power on those who collect and analyse it, and that is what makes it so coveted.

There are two aspects to power. The first aspect is what the German philosopher Rainer Forst in 2014 defined as 'the capacity of A to motivate B to think or do something that B would otherwise not have thought or done'. The means through which the powerful enact their influence are varied. They include motivational speeches, recommendations, ideological descriptions of the world, seduction and credible threats. Forst argues that brute force or violence is not an exercise of power, for subjected people don't 'do' anything; rather, something is done to them. But clearly brute force is an instance of power. It is counterintuitive to think of someone as powerless who is subjecting us through violence. Think of an army dominating a population, or a thug strangling you. In *Economy and Society* (1978), the German political economist Max Weber describes this second aspect of power as the ability for people and institutions to 'carry out [their] own will despite resistance'.

In short, then, powerful people and institutions make us act and think in ways in which we would not act and

think were it not for their influence. If they fail to influence us into acting and thinking in the way that they want us to, powerful people and institutions can exercise force upon us – they can do unto us what we will not do ourselves.

There are different types of power: economic, political and so on. But power can be thought of as being like energy: it can take many different forms, and these can change. A wealthy company can often use its money to influence politics through lobbying, for instance, or to shape public opinion through paying for ads.

Power over others' privacy is the quintessential kind of power in the digital age

That tech giants such as Facebook and Google are powerful is hardly news. But exploring the relationship between privacy and power can help us to better understand how institutions amass, wield and transform power in the digital age, which in turn can give us tools and ideas to resist the kind of domination that survives on violations of the right to privacy. However, to grasp how institutions accumulate and exercise power in the digital age, first we have to look at the relationship between power, knowledge and privacy.

There is a tight connection between knowledge and power. At the very least, knowledge is an instrument of power. The French philosopher Michel Foucault goes even further, and argues that knowledge in itself is a form of power. There is power in knowing. By protecting our privacy, we prevent others from being empowered with knowledge about us that can be used against our interests.

The more that someone knows about us, the more they can anticipate our every move, as well as influence us. One of the most important contributions of Foucault to our understanding of power is the insight that power does not only act upon human beings – it constructs human subjects (even so, we can still resist power and construct ourselves). Power generates certain mentalities, it transforms sensitivities, it brings about ways of being in the world. In that vein, the British political theorist Steven Lukes argues in his book *Power* (1974) that power can bring about a system that produces wants in people that work against their own interests. People's desires can themselves be a result of power, and the more invisible the means of power, the more powerful they are. Examples of power shaping preferences today include when tech uses research about how dopamine works to make you addicted to an app, or when you are shown political ads based on personal information that makes a business think you are a particular kind of person (a 'persuadable', as the data-research company Cambridge Analytica put it, or someone who might be nudged into not voting, for instance).

The power that comes about as a result of knowing personal details about someone is a very particular kind of power. Like economic power and political power, privacy power is a distinct type of power, but it also allows those who hold it the possibility of transforming it into economic, political and other kinds of power. Power over others' privacy is the quintessential kind of power in the digital age.

Two years after it was founded and despite its popularity, Google still hadn't developed a sustainable business model. In that sense, it was just another unprofitable internet startup. Then, in 2000, Google launched AdWords,

thereby starting the data economy. Now called Google Ads, it exploited the data produced by Google's interactions with its users to sell ads. In less than four years, the company achieved a 3,590 per cent increase in revenue.

That same year, the Federal Trade Commission had recommended to US Congress that online privacy be regulated. However, after the attacks of 11 September 2001 on the Twin Towers in New York, concern about security took precedence over privacy, and plans for regulation were dropped. The digital economy was able to take off and reach the magnitude it enjoys today because governments had an interest in having access to people's data in order to control them. From the outset, digital surveillance has been sustained through a joint effort between private and public institutions.

The mass collection and analysis of personal data has empowered governments and prying companies. Governments now know more about their citizens than ever before. The Stasi (the security service of the German Democratic Republic), for instance, managed to have files only on about a third of the population, even if it aspired to have complete information on all citizens. Intelligence agencies today hold much more information on all of the population. To take just one important example, a significant proportion of people volunteer private information in social networks. As the US filmmaker Laura Poitras put it in an interview with *The Washington Post* in 2014: 'Facebook is a gift to intelligence agencies.' Among other possibilities, that kind of information gives governments the ability to anticipate protests, and even pre-emptively arrest people who plan to take part. Having the power to know about organised resistance before it happens, and being able to squash it in time, is a tyrant's dream.

Tech companies' power is constituted, on the one hand, by having exclusive control of data and, on the other, by the ability to anticipate our every move, which in turn gives them opportunities to influence our behaviour, and sell that influence to others. Companies that earn most of their revenues through advertising have used our data as a moat – a competitive advantage that has made it impossible for alternative businesses to challenge tech titans. Google's search engine, for example, is as good as it is partly because its algorithm has much more data to learn from than any of its competitors. In addition to keeping the company safe from competitors and allowing it to train its algorithm better, our data also allows tech companies to predict and influence our behaviour. With the amount of data it has access to, Google can know what keeps you up at night, what you desire the most, what you are planning to do next. It then whispers this information to other busybodies who want to target you for ads.

Tech wants you to think that the innovations it brings into the market are inevitable

Companies might also share your data with 'data brokers' who will create a file on you based on everything they know about you (or, rather, everything they think they know), and then sell it to pretty much whoever is willing to buy it – insurers, governments, prospective employers, even fraudsters.

Data vultures are incredibly savvy at using both the aspects of power discussed above: they make us give up our data, more or less voluntarily, and they also snatch it away

from us, even when we try to resist. Loyalty cards are an example of power making us do certain things that we would otherwise not do. When you are offered a discount for loyalty at your local supermarket, what you are being offered is for that company to conduct surveillance on you, and then influence your behaviour through nudges (discounts that will encourage you to buy certain products). An example of power doing things to us that we don't want it to do is when Google records your location on your Android smartphone, even when you tell it not to.

Both types of power can also be seen at work at a more general level in the digital age. Tech constantly seduces us into doing things we would not otherwise do, from getting lost down a rabbit hole of videos on YouTube, to playing mindless games, or checking our phone hundreds of times a day. The digital age has brought about new ways of being in the world that don't always make our lives better. Less visibly, the data economy has also succeeded in normalising certain ways of thinking. Tech companies want you to think that, if you have done nothing wrong, you have no reason to object to their holding your data. They also want you to think that treating your data as a commodity is necessary for digital tech, and that digital tech is progress – even when it might sometimes look worryingly similar to social or political regress. More importantly, tech wants you to think that the innovations it brings into the market are inevitable. That's what progress looks like, and progress cannot be stopped.

That narrative is complacent and misleading. As the Danish economic geographer Bent Flyvbjerg points out in *Rationality and Power* (1998), power produces the knowledge, narratives and rationality that are conducive to building the reality it wants. But technology that perpetuates sexist and racist trends and worsens inequality is not progress. Inventions are far from unavoidable. Treating data as a commodity is a way for companies to earn money, and has nothing to do with building good products. Hoarding data is a way of accumulating power. Instead of focusing only on their bottom line, tech companies can and should do better to design the online world in a way that contributes to people's wellbeing. And we have many reasons to object to institutions collecting and using our data in the way that they do.

Among those reasons is institutions not respecting our autonomy, our right to self-govern. Here is where the harder side of power plays a role. The digital age thus far has been characterised by institutions doing whatever they want with our data, unscrupulously bypassing our consent whenever they think they can get away with it. In the offline world, that kind of behaviour would be called matter-of-factly 'theft' or 'coercion'. That it is not called this in the online world is yet another testament to tech's power over narratives.

It's not all bad news, though. Yes, institutions in the digital age have hoarded privacy power, but we can reclaim the data that sustains it, and we can limit their collecting new data. Foucault argued that, even if power constructs human subjects, we have the possibility to resist power and construct ourselves. The power of big tech looks and feels very solid. But tech's house of cards is partly built on lies and theft. The data economy can be disrupted. The tech powers that be are nothing without our data. A small piece of regulation, a bit of resistance from citizens, a few businesses starting to offer privacy as a competitive advantage, and it can all evaporate.

No one is more conscious of their vulnerability than tech companies themselves. That is why they are trying to convince us that they do care about privacy after all (despite what their lawyers say in court). That is why they spend millions of dollars on lobbying. If they were so certain about the value of their products for the good of users and society, they would not need to lobby so hard. Tech companies have abused their power, and it is time to resist them.

In the digital age, resistance inspired by the abuse of power has been dubbed a techlash. Abuses of power remind us that power needs to be curtailed for it to be a positive influence in society. Even if you happen to be a tech enthusiast, even if you think that there is nothing wrong with what tech companies and governments are doing with our data, you should still want power to be limited, because you never know who will be in power next. Your new prime minister might be more authoritarian than the old one; the next CEO of the next big tech company might not be as benevolent as those we've seen thus far. Tech companies have helped totalitarian regimes in the past, and there is no clear distinction between government and corporate surveillance. Businesses share data with governments, and public institutions share data with companies.

When you expose your privacy, you put us all at risk

Do not give in to the data economy without at least some resistance. Refraining from using tech altogether is unrealistic for most people, but there is much more you can do short of that. Respect other people's privacy. Don't expose ordinary citizens online. Don't film or photograph people without their consent, and certainly don't share such images online. Try to limit the data you surrender to institutions that don't have a claim to it. Imagine someone asks for your number in a bar and won't take a 'No, thank you' for an answer. If that person were to continue to harass you for your number, what would you do? Perhaps you would be tempted to give them a fake number. That is the essence of obfuscation, as outlined by the media scholars Finn Bruton and Helen Nissenbaum in the 2015 book of that name. If a clothing company asks for your name to sell you clothes, give them a different name – say, Dr Private Information, so that they get the message. Don't give these institutions evidence they can use to claim that we are consenting to our data being taken away from us. Make it clear that your consent is not being given freely.

When downloading apps and buying products, choose products that are better for privacy. Use privacy extensions on your browsers. Turn your phone's wi-fi, Bluetooth and location services off when you don't need them. Use the legal tools at your disposal to ask companies for the data they have on you, and ask them to delete that data. Change your settings to protect your privacy. Refrain from using one of those DNA home testing kits – they are not worth it. Forget about 'smart' doorbells that violate your privacy and that of others. Write to your representatives sharing your concerns about privacy. Tweet about it. Take opportunities as they come along to inform business, governments and other people that you care about privacy, that what they are doing is not okay.

Don't make the mistake of thinking you are safe from privacy harms, maybe because you are young, male,

white, heterosexual and healthy. You might think that your data can work only for you, and never against you, if you've been lucky so far. But you might not be as healthy as you think you are, and you will not be young forever. The democracy you are taking for granted might morph into an authoritarian regime that might not favour the likes of you.

Furthermore, privacy is not only about you. Privacy is both personal and collective. When you expose your privacy, you put us all at risk. Privacy power is necessary for democracy – for people to vote according to their beliefs and without undue pressure, for citizens to protest anonymously without fear of repercussions, for individuals to have freedom to associate, speak their minds, read what they are curious about. If we are going to live in a democracy, the bulk of power needs to be with the people.

If most of the power lies with companies, we will have a plutocracy. If most of the power lies with the state, we will have some kind of authoritarianism. Democracy is not a given. It is something we have to fight for every day. And if we stop building the conditions in which it thrives, democracy will be no more. Privacy is important because it gives power to the people. Protect it.

This essay was originally published as 'Privacy is Power' (<https://aeon.co/essays/privacy-matters-because-it-empowers-us-all>) on aeon.co.

Still clear at night

for Deirdre Evans-Pritchard

Spring beneath the white elm casts best flowers
in partial shade, double-headed here,
your father declared, 'These are each year yours

for evermore', columbine or eagle towers
day and night across what's always so clear
ancient to modern with future powers.

Perennial beneath the bowers
your sibs could scale without favour or fear,
laughter always carried high outside hours,

columbines as couples redeem what's yours
'for evermore' through countless springs to hear
your family voices always so near,

the sun-song without delay reaches straight here
to the aquilegia where
the great choral garden resonates pure
delight, blue to purple still clear at night.

BRUCE ROSS-SMITH

Bruce Ross-Smith is a Vancouver Island-born, Oxford-based retired lecturer who for decades has lived with his wife and children on the slopes of Headington Hill. He posts poems regularly on the St Edmund Hall Writers' Forum.

Crooked Spire

The beauty of what went wrong:
the flattened note in the song
that gives it grace;
an asymmetrical face
loved all the more;
silk with the precious flaw.
The misspelt word in that letter.
Each one so much better
than the dull blank perfect,
the all-present-and-correct.
So when the train
pulls into Chesterfield again
there's that small surge of delight:
it's still there, still not right—
the spire with the corkscrew twist
continues to exist,
pitched at its crinkle-crinkle
nursery-rhyme angle.
Warming the south side every day,
the slow sun shaped it that way:
thirty-three tons of lead
they roofed it with, instead
of common tile or slate
warping, miraculously odd,
on its unseasoned timber. Thank God
the crooked was not made straight—
whatever the Bible said.

GREVEL LINDOP

Grevel Lindop has seven collections of poems from Carcanet Press, most recently *Playing With Fire* and *Luna Park*. Prose books include *A Literary Guide to the Lake District*, *Travels on the Dance Floor*, and *Charles Williams: The Third Inkling*. He lives in Manchester, where he was formerly a Professor of English at the Victoria University.

Notes from Ivory Flats

ROBERT FOLEY

Fearful asymmetry: the end of the peer show

If there is evidence that parts of the English language were explicitly designed by a xenophobic committee to confuse foreigners, it is the word ‘peer’. Only a cunning and possibly diabolic mind could use the same word to mean ‘equals’ and that most superior of groups, the aristocracy. If you add the homophone ‘pier’ to the list, exasperation is complete. “The peer is drinking with his peer on the pier”.

However, foreigners, despite Brexit, need despair no longer, as the word is rapidly losing its dual meaning, and the usage that implies nothing but a hierarchical relationship is now dominant. Notions of equality in the word are rapidly slipping into what lexicographers call archaic.

Universities have always prided themselves on an ethos of equality. College Fellows at Oxford and Cambridge are perhaps the epitome of this – a Fellow is a Fellow, regardless of whether they have been there since the Oxford and Cambridge Act of 1926, or just arrived from Ulan Bator. Even Heads of Oxbridge colleges are in deep trouble if they make the mistake of taking titles like Master, President, Principal too literally. Across universities as a whole, equality is largely taken for granted. A senior lecturer (as was) has no authority over a lecturer, and the title Professor bestows no rights to tell anyone else what to do, tempting as it sometimes is. Authority lies in specific and usually temporary appointments – Head of Department, Pro-Vice-Chancellor, and so on, but even these titles give only limited authority and should – in principle – be constrained by being effectively chairs of boards and councils, rather than chief executives. If there was ever a peer show, it was universities.

No doubt any student reading this might be shouting out, but what about us? Not exactly peers. True, but even then, the relationship between lecturers and professors and students is fluid, with little direct authority beyond the examination process and more extreme situations where disciplinary actions have to be invoked. Fortunately, these last are very rare, and for the most part in my experience, relationships between teacher and student are relatively relaxed. I still balk a bit whenever a first year student whom I have never met comes up to me and says ‘Hi, Rob’, but the routes out of this situation are so prone to pomposity that I generally grin and bear it.

The most explicit context for the meeting of equals is the peer review system. This is such a jewel in the crown of academic life that even journalists will now state whether an article has been peer-reviewed, meaning received the certificate of quality, even truth, by its peers. The peer-review system – where grant applications and journal papers are scrutinised by one’s equals – is a wonderful meeting of minds, where applicant or author can fruitfully exchange ideas and discuss constructive criticism with expert and open-minded colleagues in one’s own field. These interactions are usually a joy and pleasure, untainted by

inequality or competitiveness.

I can hear hollow laughs from any author of a journal paper reading that last paragraph. One only has to do an internet search, especially on Twitter, for ‘Reviewer 2’ to have some idea of the depth of feeling of stress, anxiety and frustration that is caused by the so-called peer review system. I have seen the shock and loss of confidence in young researchers getting their first bad review, and I am not sure it isn’t even worse that aged academics like myself have become so inured to these often caustic comments that we just shrug our shoulders and move on. In both cases it is a loss of the dream that publishing your research is supposed to be.

It is easy enough to find both highly scientific and very amusing critiques of the unfairness and inadequacy of the peer review system, but there is a deeper structural issue that is often neglected. ‘Peer-review’ is supposed to use of the word peer in its ‘equals’ meaning. Unfortunately, it has morphed into its more lordly one. The author is like a feudal peasant in supplication to the courtiers (reviewers) and editors (kings and queens), desperately hoping for a favourable glance, and worrying about a sudden execution looming (rejection). It is a rare reviewer who seriously sees themselves on the same level as the author or grant applicant. They are more than happy to be judge, jury and executioner, and like all good axemen (I think they were all men in those days) they are hooded to avoid recognition.

Given that many of the reviewers will also (hopefully) submit papers themselves, and moan about the system as well, how do we account for these Jekyll and Hyde personae? It may simply be one of the outlets for the over-worked and stressed academic who is yet again being diverted from what they want to do, but they have chosen the wrong person to take their frustration out on. I am sure it is sometimes jealousy and competitiveness, and in young reviewers an overdose of youthful criticality. In older ones, conservative grumpiness. However, I think there is more to it than just these irritants.

It is perhaps a bit of a stretch, but I am reminded of aspects of the famous Stanford experiment. In this extremely unethical experiment, volunteers were randomly assigned as guards or prisoners in a role-playing situation. Over a period of less than a week the guards became increasingly authoritarian and abusive, and the prisoners more anxious and rebellious. Zimbardo’s aim was to show how people conformed to the roles they were assigned, and where these involved authority, how inhibitions were shed. Exactly the same people, in different circumstances, would behave entirely different. Fortunately, Reviewer 2 does not imprison authors, but the principle is the same – a position of anonymous or protected authority does not seem to inspire the sympathy, support and empathy that should characterise a proper peer-peer system.

Of course, the peer-review system is much older than

the problems with Reviewer 2 and the general disillusion with the system. What has changed? There are many factors. For once, I can't think of a way of blaming email, but the growth of anonymity in the world of social media that has led to high levels of abuse may have had a broader infectious effect. The increased competitiveness of the academic world and the pressure to publish must be a large part of the problem, and the gatekeepers have become more defensive in response. However, I think there are two changes in university life that have played an even larger role. The first is the sheer size of academia. In 2012 there were more than 100,000 doctoral students in the UK¹; in 1975-6 4815 people graduated with PhDs in the UK². This demographic expansion has many plus sides, especially relating to equality of opportunity, but it also means that there is far less of a sense of community. That smaller, closed community might not have been an entirely good thing – “I know Jones is a jolly good chap, so I'm sure the paper is worth publishing” – but it also meant that unnecessary vindictiveness was harder to hide. In the vast, international academic world today, that is no longer true, and we know that empathy and sympathy decline with social distance. The other is the growing sense of impotence that university lecturers and professors now have. With less and less autonomy, freedom of action, control over their lives, being Reviewer 2 is one of the few outlets left to achieve a sense of control and authority.

I have grown depressed by the demise of a system that was designed to bring quality through equality. I have cowered too long under the whip of Reviewers 1, 2 and 3 (up to 9 in the case of one paper). We have all, I am sure, expressed the commonest of academic lies (no, not “I haven't quite finished reading your essay, I'll get it back to you later today”) – but “Dear Editor, I would like to thank you and the anonymous reviewers for your helpful and constructive comments on my paper”. This year, I finally turned and withdrew a paper that was accepted subject to revision, saying that I felt the gap between myself and the reviewers was too great to bridge. I should have done it years ago.

Moaning about the peer-review system is now standard fodder, but I think what is neglected is that it is not the source of the problem, but actually just one symptom of a deeper loss of a peer-based system, across the university sector as a whole, transforming how they work. The title professor may bestow no authority, and so be entirely consistent with the peer-based organisation of the traditional university, but many new titles are emerging with a much more ominous ring. Cambridge is now replete with Directors of this, that and the other, and presumably their job is to direct rather than to profess. Occasionally one sees vice-chancellors referred to as CEOs, and I am sure there are Chief Operating Officers lurking in some universities now. The title ‘Manager’ is now widespread, and managers (especially Senior Managers) manage, which simply means telling other people what to do. Cambridge used to have collaborative sounding titles like Registrar, Treasurer, Academic Secretary, all very senior people, but these are gradually being replaced. I know of at least one Cambridge College that changed their Senior Tutor for a Director of Education. Organograms are the visual representation of hierarchy – the ‘Director’ is always at the top of the page. There is no reason why these titles should be more than just an updating of old-fashioned terms to something more modern and dynamic, but they

have, to my mind, more than a whiff of authoritarianism about them, and many are imports from the world of business, where peer-based egalitarianism is not notable. Less peers, and more ‘the Peer’.

This does not seem to me to be a path towards academic utopia. Give people a sense – or title – of authority and not surprisingly the temptation to use it will be overwhelming, and even more so if their aims are at risk of being frustrated by those who think that although there is an inevitable cost in a more democratic process – yes, I'm thinking of those endless committee meetings – it is a cost worth paying to ensure that we remain institutions based on peers rather than a self-appointed peerage. We see this shift all too clearly in the world around us, so while it is not surprising that universities are succumbing to the same trends, a little bit of civic resistance is no bad thing.

Peer to peer relationships are central to university life, whether it is at arm's length through the grant and journal reviewing process, or more directly in the relationship between academics and the administration. They are, though, being eroded. Any peer-based system demands a symmetry between participants, something absent in the directives from senior management teams to even the most senior of professors. I am reminded of Richard Dawkins and John Krebs ‘life-dinner principle’³, one of my favourite evolutionary models. Why does the rabbit run faster than the fox? Because the rabbit is running for its life, the fox only for its dinner. This asymmetry powers their co-evolutionary trajectories. For Reviewer 2, it is just dinner; for the early career researcher submitting their first paper, it is life. For the administrator sending down another task for the academics to do – for example record all lectures – it is one more decision taken; for the academic it is an eternity of extra work and constraint.

‘Restore symmetry’ might be a suitably intellectual slogan for the revolution, otherwise it really will be the end of the peer show.

¹ <https://researchbriefings.files.parliament.uk/documents/SN04252/SN04252.pdf>

² Bogle, I; (2018) 100 Years of the PhD in the UK. In: *Proceedings of Vitae Researcher Development International Conference 2018, Birmingham, UK*. Careers Research and Advisory Centre (CRAC) Limited.

³ Races between and within Species Author(s): R. Dawkins and J. R. Krebs Source: *Proceedings of the Royal Society of London. Series B, Biological Sciences*, Sep. 21, 1979, Vol. 205, No. 1161, *The Evolution of Adaptation by Natural Selection* (Sep. 21, 1979), pp. 489-511.

Stanley

She bends down to make a snowball and slips on the ice.
Her forehead cracks, like clay, against the unforgiving ground.

He comes home and finds a pot on the stove,
and two crisp black onions on the floor.

After staring at a computer screen for fifteen minutes,
she retreats into a cupboard, as in a child's game,

and puts a coat over her head.
Darkness soothes her.

On the bus, there is someone in her seat.

In Meetings

liberal	I assume you have read the papers? It's clear we have to make a decision. None of us pretends this will be easy. I will give you all some time to debate the issues. But remember: in the end, though it may pain us, something must be done.'
defeated	'We've talked it out, but nothing can be done. We have to complete all this paperwork. Otherwise, as you know, this is the end. Anyway, they've made their decision, it's pointless to have another debate. I know why you all feel uneasy.'
cynical	'I'm going to make this really easy for you. I'll tell you what needs to be done. Then you will conduct some kind of "debate" or consultation, and there's paperwork to show how we made our decision. We know, in any case, how it will end.'
passive	'Listen to me. This is not the end of the process. I'm not in an easy position. This is not my decision. It is not me, when all is said and done, driving this forward. If the paperwork is clear, what is there left to debate?'
outsider	'What I want is open, honest debate. Let's cut the crap, because in the end (whatever it says in the paperwork, whatever they say), it's always easy to change things if they want to. It's done all the time, with every decision.'
noble	'This is not the time for in-decision, nor for the intricacies of debate. I need you to know that what's done is done. Our troubles are nowhere near an end. Things may get better; they won't be easy. On paper, it's bad. We can make it work.'
confidential	decision: [redacted] paperwork. [redacted] debate; [redacted] easy. [redacted] done, [redacted] / end //

Hearing

15.07.03

'The public at the back cannot hear you.
Could I ask you to speak up?' You smile.
'I have a soft voice, I know,' you say.

'The problem is these microphones, they do
not amplify the noise. I am sure that
the public at the back cannot hear you.'

'You have been set up,' they ask, 'have you not?'
'It does not actually make sense to me,'
you say in a soft voice, patiently.

'I found myself in this position
out of my own honesty.' They interrupt,
the public at the back cannot hear you.

'Who chose to release your name to the press?'
'You have to look back at my history,'
you say. 'I have a soft voice, I know.'

'At the moment I am pursued. I do
not have access to my home.' Again, they
are finding it difficult to hear you.
'I have a soft voice, I know,' you say.

At the Allotments

for Lisa

Is this the best place? How firm is the earth?
How deep should the hole we dig be, how long?
These are the questions we ask each other
at your allotment, one Sunday tea-time.

We haven't much to show for our work.
So as not to lose the place, you mark it
with stones and put planks of wood at the sides.
Afterwards, as you drive us home, you say:

'I don't even like cats'.
I tell you how
I took the wrong key on a run today
and had to clamber over my own high wall.
You reply with a laugh.

I do not ask
how she took it, though you tell me. Nor do
I ask how well she is, or for how long.

(But I offer you what I can, my labour.
Oh, all you carry my friend, my neighbour.)

TOM SPERLINGER

Tom Sperlinger is a professor at the University of Bristol and academic lead
at Black Mountains College in Talgarth. He is author of *Romeo and Juliet
in Palestine* (2015) and co-author of *Who are universities for?* (2018).

A Note from Buenos Aires

PART TWO

BEN BOLLIG

Quality is a feature of the Buenos Aires theatre scene. So too is quantity: the sheer number of plays on offer on any given day. I go to a matinee of *Las cautivas* (*The Captives*, Teatro Metropolitan), starring Laura Paredes, whom many readers will have seen in recent Oscar contender *Argentina 1985*, and Lorena Vega, the actor of the moment in Buenos Aires.

Part of the Teatro del Futuro company's "Saga Europea", Mario Tenconi Blanco's play tells the story of a Young Frenchwoman in 1800s Argentina who is captured during a "raid" or *malón* by an indigenous group. Rather than forced marriage and servitude, instead she is rescued by Vega's character, Atala, a shaman or messenger who can communicate with higher forces. The two begin an affair and their escape, across the pampas, towards Montevideo.

For those who have read Gabriela Cabezón Cámara's *The Adventures of China Iron*, published in English in Fiona Macintosh's bravura translation, this rewriting of Argentine history and canonical works of national literature – Hernández's *Martín Fierro* by Cabezón; Echeverría's *The Captive* by Tenconi – will feel quite familiar. Although a two-hander, *Las cautivas* consists of a series of dramatic monologues in verse, delivered with great energy and perfect comic timing by the leads, and live musical accompaniment. Both don elaborate costumes that at first glance resemble realistic period recreations, but on closer inspection are marvellously kitsch pastiches: Vega sports laser-cut neon earrings and garish spiral bracelets; Paredes seems to be wearing cycling shorts under her strategically holey hoop skirt.

In amongst the wordplay, physical comedy (Paredes especially), and lively descriptions of various types of sex (including a glorious skit involving a priest and several indigenous men), a serious question is posed, over the visibility and livability of queer and/or lesbian lives, both in the colonial period and today. If *Las cautivas*, without ever preaching, makes a point spectators might have heard before, it is because it is one that still needs making.

Back up the road at the Teatro San Martín, I see *Las Ciencias Naturales* (Natural Sciences), also part of Tenconi/Teatro del Futuro's "European Saga". Whereas *Las cautivas* is minimal, if not minimalist, in its staging and dramaturgy, *Las Ciencias Naturales* relies on exaggeration and extravagance. It tells the story of a German naturalist, Rudolph Weiss (Agustín Rittano) and his Spanish secretary Calixto Blanco (Ariel Pérez de María) who journey to the River Plate to find the prehistoric bones that will prove that the origins of humanity were in the Americas.

Very quickly, *Las Ciencias Naturales* turns very strange, as a retelling of Argentine history and the origins of the theory of evolution crash into wildly over-the-top set-pieces mixing *commedia dell'arte*, the local *grotesco criollo* tradition, and Dario Fo, with pastiches of *Hamlet*, *Faust*, and

the Rolling Stones for good measure. We meet a nun who can communicate psychically with nature, a suspiciously modern indigenous tribe (opportunity for a well-received joke about exchange rates, a hot local topic), an incestuous theatre troupe, and quite the strangest envisioning of the dictator Juan Manuel Rosas I can recall. Actors double as dogs, cows, and a depressed palm tree.

Las Ciencias Naturales never flags, as Tenconi's script piles excess on excess, absurdity on absurdity, with great comic success. There are some weighty topics here: how did plainly false European imaginings shape the history of the Americas; how does colonialism continue to influence the politics and society of a country like Argentina; and – perhaps most fundamentally, the natural sciences of the title – what is a human being? These questions are there in the work, and linger afterwards, but mostly this riot of music, bodies and colour is about as much fun as you can have, legally, in a theatre.

I go to a Sunday afternoon performance of *Faust* at a full to the rafters Teatro Colón. There's a very personal reason for allowing myself this luxury: *Fausto* by Estanislao del Campo is a central work of *gauchesca* literature, in which an Argentine cowboy finds himself at a performance of Gounod's opera and then goes home to explain events to a friend, revealing a combination of comic misunderstanding and homely wisdom. Having booked tickets rather late in the day, I am in a box high and close to the stage, and spend much of the time (just shy of four hours) standing and craning to see. What I could make out impressed me greatly: a forcefully sung and captivatingly staged *Faust* that felt contemporary and relevant without too much in-your-face symbolism.

The length and intensity of the performance is perhaps the reason that *Potrillo Ben* (*Ben the Foal*, Teatro Nacional Cervantes) left me rather bewildered. Three actors disguised as fauns in dresses play the lead, alternating lines, in front of three musicians, dressed as old-fashioned gendarmes, offering electro-punk backing. It's loud, brightly lit, occasionally painful on both eyes and ears, and – I think intentionally – confusing. Set in a world peopled by animals in which stimulants, anti-depressants and tranquilizers are so normal as to be found in the water, the story, if there is one, tells the protagonist Eial's sexual liaison with the Foal of the title.

If you can imagine a Disney cartoon, very much for adults, written with the aid of one or another hallucinogenic drug, you can imagine *Potrillo Ben*. It makes heavy demands of the actors, who despite impressive corporal control and effort – especially the tiny dynamo Lucía Deca – don't always look totally convinced by the script. At the end, the three actors playing Eial return, now with their stag horns. This makes as much sense as anything else that's happened over the course of 90 rather exhausting minutes.

Director Santiago Nader, from Tucumán but based in Buenos Aires, is one of the bright young things of the latest generation of dramaturges in Argentina. We're in the Cervantes's upstairs experimental space, but even late on a Sunday it's close to full. Everyone I've spoken to on this trip has talked about the ongoing economic crisis in Argentina. Economic woes do not seem to have hurt the energy and popularity of the local theatre scene, which continues to shock, surprise, and very often delight its many spectators.

One theory I hear a few times is that with high inflation and recent memories of economic collapse, there is little incentive *not* to spend today; theatre, at least in Buenos Aires, is plentiful, varied, and relatively cheap. But I'm reminded of an anecdote about Diego Maradona. When asked if he had any regrets, he admitted to one: imagine what a player I would have been without all the drugs. One can only imagine the heights that Argentine theatre could achieve against a backdrop other than economic crisis.

Untitled Monoku

- for Travis

July the boy who cycles jokers in his spokes

5|7|5

A lonely bowler,
Bagging five strikes in a row –
Pins dropping.
Listen!

NIALL JAMES HOLOHAN

Niall James Holohan is an Irish writer currently completing his MSt Creative Writing at Oxford. A dramatist by training, his interest lies in cross-genre experimentation. In 2022, his short story 'The Ballad of Diesel and Plum' was published in *The Oxonian* and he was the recipient of The Martin Esslin Society grant for drama at Keble College, Oxford.

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Taxing the Wealthy Colleges

– and forever more?

DAVID PALFREYMAN

Legislation in 1877 gave the University power to tax colleges and the resultant Common University Fund paid for professorships when the University, prior to the days of UGC grants, was much poorer than the collective of colleges. Hence in the Statutes of colleges there is a mirror clause to the taxation power in the University Statutes that enables a college to send money to the University ‘for university purposes’ – otherwise a college as a charitable corporation has no power to donate monies to other entities (no matter how worthy) which would involve breach of trust on the part of the Fellows in deploying charitable assets beyond the objects of the college as a registered charity.

By the mid-60s the University was awash with generous UGC funding and so the Franks Report proposed that these inter-colleges tax receipts from the richer colleges should be directed via the University to the poorer colleges – that process started from 67/68, the aim being to raise endowments at the recipient colleges to £600k within 20 years (and then taxation would end by 1987/88). Eight colleges were to be helped (Hertford, SEH, St Peter’s, and the five female colleges; the tax rate rose to 25% on income in excess of £150k). Inflation meant the £600k target was met by 1974 so the figure was duly raised to £750k (bringing in Worcester and Keble); a figure rapidly reached by 1976. The main taxpayers were: All Souls, Christ Church, Magdalen, Merton, Nuffield, Queen’s, and St John’s.

Next in 76/77 the endowment figure was raised to £1.16m ‘on the understanding that this programme will be accepted as fully and finally completing the scheme in the Statutes for building up the endowments of the poorer colleges’ (with Linacre and St Cross added to the list of ten). But, as in so many other areas of public spending, the hopes of the 1970s were hit by Treasury cuts – here in the tuition fees charged by colleges to LEAs; and at the same time there began to be concerns about equality of spending across colleges on, for example, subsidising student accommodation costs and over spend on ‘educational purposes per student’ (as well as whether the contributing colleges ‘were not simply subsidising imprudent investment or profligate expenditure’ on the part of the poor).

Then 1986 saw the creation of a ‘Committee of Inquiry into the financial position of the poorer colleges’ (from which the above quotes are taken) which reported in July 1987 (just before I became Bursar of New College in October of 1988). It tried to answer the following questions: continue with endowment grants or start income grants?; force the taxpaying colleges to make capital grants?; then how to deal with the random effect of the University, post the 1981 UGC cuts, freezing its share of joint-appointment academic posts where a poorer college would find it much harder to carry the post as ‘college only’ than a rich college?; then how to assess ‘absolute poverty’ as opposed to ‘relative poverty’ and whether to deal with the former

but not try to address the latter?; and what should be the new target endowment capital? (Answer – now to become £7m, and to be achieved by the mid-90s on the basis of Christ Church and St John’s paying c£190kpa, All Souls c£150k, and four others £100-120k, with New College next at some £70k.)

Over my 35 years since 1988 I have witnessed the taxation scheme being reviewed and extended several times, usually on a decade-long basis and normally with a statement that it is envisaged such taxation can then end once and for all after expiry of this next period of renewal. It has not ended, and probably never will. Income grants to a limited degree have been introduced; the absolute v relative poverty issue remains unaddressed; capital shifts from rich to poor have not happened (and probably never will, given that a rich college has no Statute power to give away its endowment and within general charity law any such transfer would be a breach of trust leaving the Fellows personally (joint & several) liable for the loss to the charitable corporation in whose ‘best interests’ they must as a prime fiduciary obligation always and solely act; in effect best interests means fulfilling the charitable objectives, which do not include bailing out other Oxford colleges by sharing endowment).

We are currently about half way through Scheme X (might be number 6 or 7 since the first in 67/68; who’s counting?) but, understandably given the financial impact of the Covid disruption and also the massive inflation in energy costs plus the need to pay inflation-bonuses to lower-paid staff along with the reluctance to fully recover inflation of student accommodation costs by hiking rents at the 10%+ levels last year and for this coming year suggested by the Van Norden Index, the poorer colleges are muttering about an earlier review. And at which surely there will be expectations of a once-and-for-all addressing of the minimum endowment aspect (perhaps by way of capital transfers), efforts to address relative poverty and hence the equalisation of ‘the student experience’ across colleges (indeed also of the Tutorial Fellow experience), and whatever?

The inescapable gloomy conclusion, however, might have to be that ‘the collegiate university’ is overall grossly under-capitalised for the volume of its trading activity (12,500 undergraduates or so) and for sustaining its generous staff-student ratio that underpins the 1:2 Oxford Tutorial teaching method. After all, far more generously endowed US competitor universities do not recruit that number of undergraduates and they certainly do not lavish 1:2 tutorials on their customers (despite charging whopping fees); while our UK competitors get by with 1:15-20 seminars. And nor are they hampered by the diseconomies of scale in having 35+ Heads of House, Estate Bursars, Home Bursars, Senior Tutors, Librarians, etc – as well the costs of commensality by way of Chefs,

Butlers, Wine-Cellars, free SCR lunches and dinners, and extra Dinners at almost any excuse.

The management consultants' rational answer in any Review would be to hack some 2,500 undergraduate places out of the collegiate university – but which half-dozen mixed colleges would want to close down? And what could the infrastructure of redundant mixed colleges be used for? (Another half-dozen Reubens given the University's uncontrollable ambitions by way of growth in graduate numbers?). Somehow, I suspect that, as over

my decades at Oxford, the approach to all of the above will continue to be 'Keep Bugging On' well after I have at last retired and hence we will be at Scheme 12 or so by the time we reach the 2067/68 centenary of what was the first such Scheme and what was meant to be the only such Scheme.

David Palfreyman is a member of the Board of the Office for Students but writes here in a personal capacity.

Sir – Is Lord Sumption (*Oxford Magazine*, No. 452, Noughth Week, TT, 2023) aware that the Roundheads won?

Yours sincerely
DANNY DORLING
St Peter's College

TO THE EDITOR

Sir – Jonathan Sumption ('The New Roundheads', *Oxford Magazine*, No.452, Noughth Week, TT 2023) lumps Johann Gottfried Herder together with the odious Arthur Gobineau as an 'overt racist'.

The view of Herder as an ethnic nationalist (and by extension, racist) is a construct of a highly selective reception in the nineteenth century. It does not stand up to scrutiny. Herder explicitly denied the existence of separate races and disavowed the polygenetic theories of race espoused by some of his contemporaries. In his *Ideen zur Philosophie der Geschichte der Menschheit* (1784–91), a global survey of human cultures and their history, his sympathies may not always align with our present views, but they are broad, generous and tolerant. Mankind was for him a polyphonic unity, in which differences were only the variable expressions of a shared humanity.

Yours sincerely
KEVIN HILLIARD
St Peter's College

On pay and conditions

Sir – The Postdoctoral Association (PDA) of the Sir William Dunn School of Pathology (SWDSP), of which I am a member, has recently issued an open letter for the attention of the Head of Division, Heads of Department, and Professorial Staff of the Medical Sciences Division (MSD), against the backdrop of the current cost of living crisis and the precarious conditions of researchers in fixed-term contracts. It is our firm belief that Congregation has the responsibility to address this problem with a view towards taking decisive actions.

It has not escaped my attention that the new Vice-

chancellor has promised a review on pay and conditions. Members of the PDA will discuss this with Senior University Officers during the current week. I am also aware that two Open Forums are currently scheduled for May and June. However, for a review that was supposed to be independent and to start operating during Trinity Term, it is difficult to understand why the Terms of Reference have not been published and why the selection process has not been transparent and open to all members of this University. A merely consultative review is of no use, for the growing challenges experienced by researchers have been explored ever since the Franks Commission of Inquiry (1964–1968). Multiple Strategic Plans have also approached this problem, but little to no change has actually been enacted. As for the Open Forums, I would contend that a question-and-answer perfunctory exercise does little to allay the concerns of those in fixed-term contracts. I would encourage the reader to look at the transcripts of the forums held since 2020; he or she will discover the cyclical nature of these events.

In contrast to previous and current work from the central University, the PDA proposes a bold plan that, if enacted by Congregation, will: (i) hold Council accountable in the existing dispute between the University and College Union and the University and Colleges Employers Association, and (ii) ensure that a truly independent commission on pay and conditions be empanelled. Importantly, this commission will propose sustainable plans of a binding nature, and it will respond to Congregation through a series of democratic exercises.

I would urge Congregation members to support this initiative, and to provide a voice to the vast majority of research staff who are not members of this Sovereign Body. The PDA of the SWDSP looks forward to engaging with members of the MSD and other divisions, for the scope of the current plan could be expanded in due course.

Yours sincerely
JESÚS ANTONIO SILLER FARFÁN
Sir William Dunn School of Pathology
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Sir – My old friend Bernard Richards’s review in your last issue (‘Substantial and unsubstantial Pageant’) stirred memories of the 1950s, when I was brought up in Norham Road and then in Park Town. I cannot now imagine a more civilised person than Lord David Cecil. I was in and out of his house in Linton Road, to take part in the pantos his children and friends put together and Aldwych farces, when he bothered to engage with the young people, leaving them feeling they had talked much better than they realised they could. The reviewer, I know, would agree that Maurice Bowra helped make Oxford what it was, but seems to have a slight down on him. Bowra was magnificent: polymath, enthusiast, and wit.

One summer day about fifteen years ago with David Cecil’s son, Jonathan (the actor, d. 2011), I took the Oxford Tube from London, lunched at Gees (greengrocer and florist in my days) and walked the adjacent North Oxford streets and the University Parks we had known so well; so often we laughed. We called up the characters, houses and families of our early and late childhood milieu, noting even that dark Gothic Revival former residence of the haunted elderly Moberley sisters in Norham Gardens. Once upon a time I was a member of Jonathan’s ‘Character Club’: we snooped and fantasised and compiled dossiers about some of the many wonderfully peculiar people who walked and bicycled our streets, including a fish-faced man from the Heberden Coin Room at the Ashmolean. Jonathan was telling me his father and Isaiah Berlin would speak for hours on the phone simultaneously, neither listening to the other. Standing together, looking

across the Broad from under the arch of the Clarendon Building, I was telling Jonathan how I had been on the pavement there when the King opened the New Bodleian with a silver key that broke in the lock, and they had to open it from inside, and how I was on the pavement there again when ‘B & K’ (Bulgarian and Khrushchev) visited in 1956, shortly after the denunciation of Stalin, and the undergraduates chanted ‘Poor Old Joe.’

Thereupon, Jonathan told me that Bowra, addressing the brand-new building side by side with his father, and pointing to the ridiculous frieze of swags and tassels on high (debased Grammar of Ornament that accentuates rather than covers its coarse stone face), declared, “And those are Lambs’ Tails from Shakespeare.” (About that date I was hectoring a concrete-and-glass architect giving a talk to our Sixth Form at my Quaker boarding school, asking “When is Ornament to be revived?” Alas).

I met Bowra at dinner twice, at Oliver Franks’s fastidious house on Headington Hill and at Old Headington at the more genial house of the Wadham history don, Pat Thompson. Bowra would not let eating, or even a tooth-pick among his teeth, stop his cascade of spangled talk, and apropos of ‘the best Oxford poem’ I remember he happened to ask my opinion; I came up with Auden’s line ‘Eros Paidagogos weeps on his virginal bed’, and we laughed.

Yours sincerely

DR JAN PIGGOTT, FSA,

Exhibitioner, Magdalen College, 1959-62

How to initiate Congregation actions

How to trigger a debate or discussion in Congregation

It is open to any 20 or more members of Congregation to propose a resolution or topic for discussion at a meeting of Congregation; requests must be made in writing to the Registrar not later than noon on the 22nd day before the relevant meeting. Any 2 or more members of Congregation can submit an amendment to, or announce an intention to vote against, a resolution or a legislative proposal (*i.e.* a proposal to amend the statutes). Notice must be given to the Registrar (in writing) not later than noon on the 8th day before the meeting.

Questions and replies

Any 2 or more members of Congregation may ask a question in Congregation about any matter concerning the policy or the administration of the University. Requests must be submitted to the Registrar (in writing) not later than noon on the 18th day before the Congregation meeting at which it is to be asked. The question and the reply (drafted by Council) will be published in *Gazette* in the week prior to the relevant meeting. The answer is also formally read out at the meeting. Supplementary questions are allowed.

Postal votes

Attendance at meetings of Congregation tends to be low. Postal voting can potentially allow opinion to be easily accessed more widely across Congregation membership. Congregation can trigger a postal vote after a debate (but not after a discussion or a question and reply where no vote is taken). 25 or more members of Congregation have to be present (“on the floor”) at the relevant debate. The request must be made by 4pm on the 6th day after the debate, signed by 50 members of Congregation, in writing to the Registrar. Council can also decide to hold a postal ballot, by the same deadline.

Flysheets

To generate a flysheet for publication with the *Gazette*, the camera-ready copy (2 sides maximum) should be submitted with at least 10 signatures on an indemnity form (obtainable from the Registrar) by 10am on the Monday in the week in which publication is desired.

Regulations governing the conduct of business in Congregation can be found at: <http://www.admin.ox.ac.uk/statutes/regulations/529-122.shtml>

Items placed on the agenda for Congregation are published in the *Gazette*.

The Congregation website is at: www.admin.ox.ac.uk/councilsec/governance/congregation.

Advice on Congregation procedures is available from the Council Secretariat on request (email: congregation.meeting@admin.ox.ac.uk).

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